

FILED

JUN - 7 2012

**JULIE A. RICHARDS, CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK**

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Donte Lamarkus Alston

**Docket No. 5:07-CR-119-1BO
5:10-CR-378-1BO**

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Donte Lamarkus Alston, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on November 15, 2007, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months. On April 20, 2011, the defendant appeared before Your Honor for Escape, 18 U.S.C. §§ 751(a) and 4082(a). He was sentenced to the custody of the Bureau of Prisons for a term of 14 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Donte Lamarkus Alston was released from custody on March 23, 2012, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

On April 14, 2012, in Wake County, NC, the defendant was charged with Speeding and Driving While License Revoked. In response to these new charges, the defendant was verbally reprimanded and instructed not to operate a motor vehicle in North Carolina until properly licensed. Additionally, it is recommended that the conditions of supervised release be modified to include 24-hours of community service. The probation officer believes that this sanction will adequately address the defendant's non-compliance. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, the \$200 fee is waived.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8678
Executed On: June 6, 2012

ORDER OF COURT

Considered and ordered this 7 day of June, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge